

In Re Fact Finding between

Iowa PERB - CEO 832/Sector 2

Tama County Sheriff's Office,  
Tama County, Iowa,

Employer,

**ARBITRATION OPINION  
AND AWARD**

and

Teamsters Local 238,

Union,

Pursuant to **Iowa Code Chapter 20, Iowa Public Employment Relations**  
**Section 20.22** the above captioned matter came on for Binding Arbitration on May 19,  
2005 at 9:30 AM in the Tama County Administration building in Toledo, Iowa.

James A. Lundberg was selected by the parties to serve as the neutral Arbitrator  
from an Iowa Public Employment Relations Board list of Arbitrators.

The Arbitration hearing was closed on May 19, 2005 following submission of all  
evidence and arguments by the parties.

**APPEARANCES:**

**FOR THE EMPLOYER:**

Yingtao Ho, Esq.  
1555 North River Center Dr., Suite 202  
Milwaukee, WI 53212

**FOR THE UNION**

Renee Von Bokern  
2771 104<sup>th</sup> St., Suite H  
Des Moines, IA 50322

The following three issues were submitted to the Arbitrator:

**Issue Number One: Article 20 Insurance**

**Issue Number Two: Appendix A, Wages**

**Issue Number Three: Appendix A, Shift Differential**

The parties entered into the following pre hearing agreement:

The County has other bargaining units, all who have concluded bargaining and reached a two year voluntary settlement. The parties agreed prior to the hearing that no information regarding those settlements or any internal comparability data would be presented to the Arbitrator. The parties agreed that the Arbitrator is to consider only external comparability data.

**Issue Number One: Article 20 Insurance**

Employer's Position:

Change the first sentence of Article 20 to say "For the 2005 -2006 fiscal year, the Employer agrees to pay the entire single premium for each eligible regular full-time employee for a Health and Major Medical group program. Add a sentence as follows: Employees wishing to cover their eligible dependents may do so by paying \$50.00 toward the cost of dependent coverage.

The balance of the Article should remain the same.

Summary of Argument:

The County proposes a comparison group of six counties. All of the counties are adjacent to Tama County except Hardin County and Buchanan County. Hardin and Buchanan Counties are one tier away from Tama County but should be part of the comparison group because they are similar in size and population. Marshall County and Jasper County are adjacent to Tama County but the populations of both counties are more than twice the population of Tama County. The comparison group proposed by the County was used one year ago in a Fact Finding hearing between the Employer and the Secondary Road Department.

The County ranks seventh (last) within the comparison group in Per Capita Personal Income. The County also has less industry than other counties within the comparison group and has fallen from a state wide ranking in Per Capita Personal Income in 1990 of 42<sup>nd</sup> of 99 to 84<sup>th</sup> of 99 in 2000. Despite the generally lower Per Capita Personal Income of County residents, the Employer has provided a medical plan with no contribution by the employee for the employee's dependent health benefits and the Employer offers the lowest deductibles for employees and dependents.

The County's proposal asks the employee to contribute fifty dollars (\$50.00) per month toward dependent health coverage. The County will continue to provide insurance with the lowest deductibles within the comparison group. The Employer's proposal will result in employees having the second lowest dependent premium contribution within the comparison group. The average contribution for employee family coverage within the comparison group is \$85.83 and the average deductibles paid by employees within the comparison group are \$533/\$1083.

Union's Position:

No change to Article 20, Insurance except out of network as follows:

Deductible:	\$750 single and \$1500 family
Out of Pocket	\$3000 single and \$4800 family
Prescription	\$60% generic and brand

Summary of Argument:

The Union proposes a comparison group of different counties than the Employer proposes. Three of the counties Clayton, Delaware and Floyd are not contiguous or

within the first two tiers of surrounding counties. The other comparison counties Poweshiek, Hardin and Iowa are also a part of the Employer's comparison group.

The Union contends that the bargaining history of the parties should control the outcome of this arbitration. Bargaining unit employees have never been required to pay any sum toward dependent health care coverage.

The Employer is unable to demonstrate that the Union proposal is out of line with the insurance costs in comparable counties. To compare the amount of Employee's contributions across counties, the Arbitrator must know either the actual costs for the other counties of providing the insurance, or the actual benefits provided by the insurance plans in other counties.

The Employer did not produce data that allows a valid comparison of employee contributions across different counties, because the employer did not produce a comparison of the elements of the insurance packages being purchased by Tama County or the comparison counties. The Employer also failed to produce a comparison between the cost to Tama County for insurance and the cost of insurance to other counties within the comparison group. Hence, the bargaining history of the parties should control the outcome of this Arbitration and the Union's proposal that the Employer continue to pay all health insurance premiums for employees and dependents should be adopted.

#### **OPINION:**

The comparison group used by the Employer has previously been relied upon by a Fact Finder for a Tama County contract dispute. The comparison group is comprised of counties of the same relative size within the same geographical area. The differences between the economies of the various counties were discussed at hearing. The

Employer's proposed comparison group has been adopted as the most valid comparison group for the purposes of this Arbitration.

While the parties bargaining in the past resulted in no employee contribution to family health insurance coverage, the trend throughout the public sector has been toward requiring some contribution to be made by employees toward family health benefit premiums. The Employer's proposal departs from the bargaining history of the parties but is consistent with current economic trends. The contribution toward health care premiums for dependents will be \$35.83 per month less than the average contribution made by employees for dependent coverage within the comparison group.

**AWARD:**

The Employer's proposal shall be incorporated into the collective bargaining agreement as follows:

*Section 20.1 2005 -2006 fiscal year, the Employer agrees to pay the entire single premium for each eligible regular full-time employee for a Health and Major Medical group program. Employees wishing to cover their eligible dependents may do so by paying \$50.00 toward the cost of dependent coverage. Said coverage shall include health and dental insurance. The Employer agrees to provide 80/20 on drugs with no deductible.*

*The Employer shall have the right to select the carrier but the coverage shall be equal to or better than the coverage currently in effect.*

## **Issue Number Two: Appendix A, Wages**

### **Employer's Position:**

Increase wage rates by 3.0% on July 1, 2005

### **Summary of Argument:**

The Employer argues that the wage rate of Deputies and Jailers in Tama County is lower than most of the counties in the comparison group. However, wages are only part of the compensation package. The comparison of compensation packages should include a review of the insurance premium costs and the deductibles associated with the health insurance plan. Tama County's wages are lower than the wages in surrounding counties but the insurance costs being paid by Tama County employees are less than most of the employees within the comparison group.

The Employer concedes that the Union's wage proposal has more support within the comparison group, if the Employer's health care proposal is accepted.

### **Union's Position:**

Increase wages by 2.5% July 1, 2005 and by 2.5% in January 1, 2006

### **Summary of Argument:**

The Union argues that wages for the Tama County Deputies and Jailers wages have lagged behind wages within the comparison group. A greater increase than that proposed by the Employer must be awarded in order for Sheriff's wages to remain competitive.

The lower wages paid in Tama County can not be justified by a better benefit package. Tama County offers one to four weeks vacation and twelve holidays. The benefit package is slightly less than the average within the Union's comparison group.

The Consumer Price Index increased by 3.3 percent in 2004 and by 4.8 percent in the first four months of 2005. The purchasing power of bargaining unit employees will erode at an unacceptable level, if the Employer's 3% wage increase is accepted.

The Union wage proposal is comparable with increases received by Deputies and Jailers in other counties and treats the Tama County Deputies and Jailers more fairly in light of the rising cost of living.

**OPINION:**

The Union wage proposal should be adopted. The wage increases received within the comparison group together with added cost of dependent health insurance premiums give ample support to the Union's wage proposal.

**AWARD:**

*Appendix A, Wages shall incorporate an across the board wage increase on July 1, 2005 of 2.5% and an across the board wage increase on January 1, 2006 of 2.5%.*

**Issue Number 3, Shift Differential**

Employer's Proposal:

The Employer proposes no change in the current shift differential language.

Summary of Argument:

Only three of the counties in the comparison group pay a shift differential. Of the three counties that pay a shift differential, two of the counties pay less than Tama County

and one county pays a greater differential. While the ability to make comparisons is limited because so few counties pay a shift differential, the comparisons do support the Employer's position.

Union's Position:

The Union argues for a \$.20 shift differential for any shift other than the 1<sup>st</sup> shift.

Summary of Argument:

The Union contends that its proposal is supported by the group of counties that it considers to be the appropriate comparison group.

**OPINION:**

The shift pay language of Appendix A should incorporate a \$.20 shift differential for all shifts presently receiving a \$.15 differential. There are very few counties within the comparison group that pay a shift differential. Thus, the comparisons that can be made are of limited value.

The Union's position is aided by the fact that a specific dollar amount paid as a shift differential has a tendency to lose value over time. Bargaining history demonstrates the Employer's willingness to pay a fair shift differential. In order for the differential to continue to be a fair differential in a period of rising costs, periodic increases in the differential as well as the wage rate will be necessary.

**AWARD:**

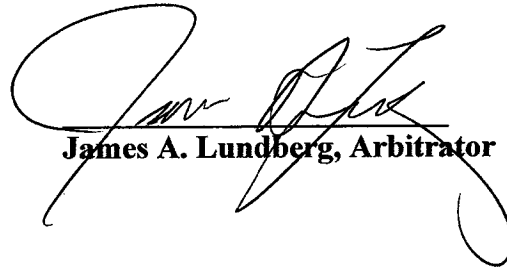
The shift pay language of Appendix A shall incorporate a \$.20 differential for all shifts presently receiving a \$.15 differential as follows:

***SHIFT PAY: All Jailers and Clerks whose shift starts at 4:00 PM or after and ends at 8 A.M. or before, will receive an additional twenty cents (\$.20)***



*per hour for each hour worked. If an employee works a shift that pays a differential, the employee will receive the differential. If a person is called in to work another person's shift, they will receive whatever shift pay, if any, the shift gets. Trainees and probationary employees will not receive shift pay. Deputies will receive twenty (\$.20) per hour for all hours worked between 4:00 P.M. and 8:00 A.M.*

**Dated: June 1, 2005**



**James A. Lundberg, Arbitrator**

## CERTIFICATE OF SERVICE

I certify that on the 1<sup>st</sup> day of June, 2005, I served the foregoing Award of Arbitrator upon each of the parties to this matter by mailing a copy to them at their respective addresses as shown below:

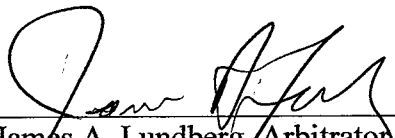
**Union Rep.:**

Yingtao Ho, Esq.  
1555 North River Center Dr., Suite 202  
Milwaukee, WI 53212

**Employer Rep:**

Renee Von Bokern  
2771 104<sup>th</sup> St., Suite H  
Des Moines, IA 50322

I further certify that on the 1<sup>st</sup> day of June, 2005, I will submit this Award for filing by mailing it to the Iowa Public Employment Relations Board, 510, East 12<sup>th</sup> Street, Suite 1B, Des Moines, IA 50319.

  
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James A. Lundberg, Arbitrator  
6/1/2005